



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

BETWEEN: CAUSE NO: OF 2025

CABLE AND WIRELESS (CAYMAN ISLANDS) LIMITED
(T/A FLOW)

Plaintiff

AND

THE UTILITY REGULATION AND COMPETITION OFFICE

First Defendant

ATTORNEY-GENERAL OF THE CAYMAN ISLANDS

As the representative of the CAYMAN ISLANDS GOVERNMENT

Second Defendant

WRIT OF SUMMONS

TO: The Utility Regulation and Competition Office
3rd Floor, Monaco Towers II
11 Dr Roy's Drive, George Town
Grand Cayman
Cayman Islands

AND TO: The Attorney-General of the Cayman Islands
Portfolio of Legal Affairs
133 Elgin Avenue, George Town
Government Administration Building, Box 136
Grand Cayman, KY1-9000
Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 9th day of December 2025.

NOTE - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

See overleaf for particulars of the Plaintiff's claim

GENERAL INDORSEMENT

1. The Plaintiff is licensed under the Information and Communications Technology Act (2019 Revision) (the **ICT Act**), as amended by the Information and Communications Technology (Validation) Act, 2024 (the **Validation Act**), and was previously licensed under the Information and Communications Technology Authority Act, 2002, as subsequently amended and revised (the **ICTA Act, 2002**), as a fixed and mobile telecommunications operator within the Cayman Islands to provide a full range of fixed and mobile voice, internet and video services.
2. The First Defendant (**OfReg**) is the independent regulator established by section 4(1) of the Utility Regulation and Competition Act (the **URC Act**) for the electricity, information and communications technology (**ICT**), water, wastewater and fuel services within the Cayman Islands. OfReg's statutory and regulatory powers and functions are derived from the URC Act and the ICT Act. Pursuant to section 100A of the ICT Act, all the assets, liabilities, property, contracts, functions and powers of the now dissolved Information and Communications Technology Authority (the **ICTA**) pursuant to the ICTA Act, 2002, were transferred to and assumed by OfReg.
3. The Second Defendant is the Attorney-General of the Cayman Islands in his capacity as the representative of the Cayman Islands Government.
4. The Plaintiff was first issued an ICT licence under the ICTA Act, 2002, on 10 July 2003 (the **2003 Licence**). The 2003 Licence was renewed from time to time. The Plaintiff's current ICT licence was issued by OfReg on 1 April 2021 (the **2021 Licence**).

5. It is a term of the 2021 Licence, and was previously a term of every ICT licence held by the Plaintiff since the 2003 Licence, that the Plaintiff pay licence fees comprising:
 - (a) six percent of the quarterly revenue of the Plaintiff (the **Royalty Fees**);
and
 - (b) a fee calculated based on a percentage of OfReg's operational costs (the **Regulatory Fees**).
6. Believing the requirements in its successive ICT licences to pay the Royalty Fees and the Regulatory Fees to be lawful, the Plaintiff paid significant Royalty Fees and Regulatory Fees to the ICTA and to OfReg. The Royalty Fees were remitted to the Cayman Islands Government.
7. Pursuant to the decision of the Grand Court in *The King (on the application of Infinity Broadband Limited (trading as C3 Pure Fibre) v The Utility Regulation and Competition Office*, [2025] CIGC (Civ) 25:
 - (a) the ICTA had, and OfReg has, no primary legislative authority to levy or collect the Royalty Fees;
 - (b) although OfReg has primary legislative authority to prescribe licence fees by virtue of section 30(1) of the ICT Act, such licence fees may only be prescribed by regulations made pursuant to the ICT Act and published in the Gazette, and since the Regulatory Fees were never embodied in regulations made pursuant to the ICTA Act, 2002, the ICT Act, or any other Law, OfReg has, and the ICTA before it had, no lawful authority to collect the Regulatory Fees, save to the extent validated by the Validation Act; and
 - (c) if, contrary to the Court's determination, the ICTA had, and OfReg has, primary legislative authority to levy or collect the Royalty Fees, the levy and collection of Royalty Fees by the ICTA was, and by OfReg is, unlawful

by virtue of the Royalty Fees never having been embodied in regulations made pursuant to the ICTA Act, 2002, the ICT Act, or any other Law, save to the extent validated by the Validation Act.

8. The levy and collection of the Royalty Fees and the Regulatory Fees by the ICTA and by OfReg was entirely unlawful until 19 December 2024, the commencement date of the Validation Act.
9. Section 3 of the Validation Act validates –
 - (a) '*licence fees*' charged by, paid to, and collected by the ICTA from 5 August 2003 to 15 January 2017 as if they had been prescribed in Regulations made under section 70(3) of the ICTA Act, 2002, and published in the Gazette; and
 - (b) '*licence fees*' charged by, paid to and collected by OfReg from 16 January 2017 to the commencement date of the Validation Act as if they had been prescribed in Regulations made under section 97(3)(a) of the Information and Communications Technology Authority Act (2016 Revision), as amended by the Information and Communications Technology Authority (Amendment) (No. 2) Act, 2016, and by later revisions of that Act, and published in the Gazette.
10. The Validation Act is ineffective to validate –
 - (a) the levy or collection of any of the Royalty Fees by the ICTA, or by OfReg, from the date of the issuance of the Plaintiff's 2003 Licence, since the levy or collection of Royalty Fees cannot be prescribed by Regulations where there exists no primary legislative power to make Regulations to levy or collect the Royalty Fees; and

- (b) the levy or collection of any Regulatory Fees from the commencement date of the Validation Act.

The Plaintiff therefore seeks:

- (1) Declaratory relief that:
- (a) the ICTA had, and OfReg currently has, no lawful authority to charge, levy, demand or collect the Royalty Fees from the Plaintiff from the issue of the 2003 Licence; and
 - (b) OfReg has had no lawful authority to charge, levy, demand or collect the Regulatory Fees from the commencement date of the Validation Act.
- (2) Restitution or an order that the Defendants repay to the Plaintiff all Royalty Fees paid by the Plaintiff since the issue of Flow's 2003 Licence to date.
- (3) Restitution or an order that the Defendants repay to the Plaintiff all Regulatory Fees paid by the Plaintiff from the commencement date of the Validation Act to date.
- (4) Interest and costs.

Dated the 9th day of December 2025



Mourant Ozannes (Cayman) LLP
Attorneys-at-law for the Plaintiff

This Writ of Summons is filed by Mourant Ozannes (Cayman) LLP, Attorneys-at-Law for the Plaintiff, whose address for service is 94 Solaris Avenue, Camana Bay, PO Box 1348, Grand Cayman, KY1-1108, Cayman Islands.

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BETWEEN:
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(TA FLOW)

Plaintiff

AND

THE UTILITY REGULATION AND COMPETITION OFFICE

First Defendant

ATTORNEY-GENERAL OF THE CAYMAN ISLANDS

As the representative of the CAYMAN ISLANDS GOVERNMENT

Second Defendant

ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important.

*Read the accompanying directions and notes for guidance carefully before completing this form.
If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE
RETURNED.*

*Delay may result in judgment being entered against a Defendant whereby he may have to pay
the costs of applying to set it aside.*

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.
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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

YES ☐NO ☐

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3. If the claim against the Defendant is for a debt or liquidated demand, AND the Defendant does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*).

YES ☐NO ☐

Service of the Writ of Summons is acknowledged accordingly

(Signed) _____

[Attorney] for

[Defendant in Person]

Address for service:

Please see overleaf...

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Endorsement by Plaintiff's Attorney (or by Plaintiff if suing in person) of their name, address and reference, if any, in the box below.

MOURANT OZANNES (CAYMAN) LLP
94 Solaris Avenue
Camana Bay
PO Box 1348
Grand Cayman, KY1-1108
Cayman Islands
(Ref: 8076400/255832456/1)

Endorsement by Defendant's Attorney (or by the Defendant if suing in person) of his name, address and reference, if any, in the box below.

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**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

1. The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.
2. After completion it must be delivered or sent by post to the Law Courts, PO Box 495G, George Town, Grand Cayman
3. A defendant who states in the Defendant's Acknowledgment of Service that the Defendant intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).
4. If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.
5. If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.
6. If the Defendant fails to serve that Defendant's defence within the appropriate time, the plaintiff may enter judgment against the Defendant without further notice
7. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that the Defendant intends to apply for a stay, execution will be stayed for 14 days after that Defendant's

Acknowledgment, but the Defendant must, within that time, issue a Summons for a stay of execution, supported by an affidavit of the Defendant's means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

NOTES FOR GUIDANCE

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts office
2. For the purpose of calculating the period of 28 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to the Defendant.
3. Where the Defendant is sued in a name different from the Defendant's own, the form must be completed by the Defendant with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after that partner's name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN THAT PERSON'S OWN, the form must be completed by the Defendant with the addition in paragraph 1 of the description "trading as (.....)" after that Defendant's name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.